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7 individually and dba Graddy's Night Club
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9 UNITED STATES DISTRICT COURT
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11 EASTERN DISTRICT OF CALIFORNIA – FRESNO DIVISION
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13 GARDEN CITY BOXING CLUB, INC.,
14 Plaintiff,
15 vs.
16 ERIC BARNETH FLORES, individually and
DBA GRADDY'S NIGHT CLUB,
17 Defendants.
18

Case No: 05-CV-00494-OWW TAG

Assigned to the Hon Oliver W. Wanger.

**STIPULATION TO EXTENSION OF
TIME TO RESPOND TO PLAINTIFF'S
COMPLAINT FOR PROPERTY
DAMAGE**

18 IT IS HEREBY STIPULATED by and between Plaintiff, GARDEN CITY BOXING
19 CLUB, INC., ("Plaintiff"), by and through its attorney of record, ERIC BARNETH FLORES,
20 individually and DBA GRADDY'S NIGHT CLUB ("Defendant"), by and through their
21 attorneys of record as follows:

22 1. Plaintiff commenced its case by filing a Complaint for Damages ("Complaint")
on April 14, 2005. Defendant was served with the Complaint and is required to respond to it by
23 September 20, 2005.

24 2. Plaintiff and Defendant have engaged in settlement negotiations and have
reached a tentative settlement. The parties are formalizing the settlement and expect to have an
executed settlement agreement within 45 days. The parties believe it appropriate to stipulate to
25 extend the time for Defendant to respond to the Complaint by 45 days.
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1 Therefore, it is stipulated that the deadline under Federal Rules of Civil Procedure Rule
2 12 for responding to the Complaint be extended to November 1, 2005.
3

4 Dated: September ____, 2005

LAW OFFICES OF THOMAS P. RILEY, P.C.

6 By: /s/ Thomas P. Riley
7 THOMAS P. RILEY
8 Attorneys for Garden City Boxing Club, Inc.

9 Date: September ____, 2005

KLEIN, DeNATALE, GOLDNER,
COOPER, ROSENLIEB & KIMBALL, LLP

12 By: /s/ Dawn Bittleston
13 DAWN BITTLESTON
14 Attorneys for Defendants Eric Barneth Flores,
15 individually and dba Graddy's Night Club

ORDER

16 Based upon the stipulation of the parties, it is hereby ordered that the deadline for
17 Defendant s ERIC BARNETH FLORES, individually and DBA GRADDY'S NIGHT CLUB to
18 respond to Plaintiff's Complaint, shall be and hereby is extended to October 31, 2005.

20 Dated: September 16, 2005

/s/ OLIVER W. WANGER

21 JUDGE OF THE DISTRICT COURT

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